



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .2300
Title: **Offender Maternity Leave**
Issue Date: 04/08/19
Supersedes: 06/30/09

POLICY & PROCEDURES

.2301 PURPOSE **OFFENDER MATERNITY LEAVE**

The **Offender** Maternity Leave Program is designed to provide temporary in-state leave privileges for selected minimum custody **offenders** who give birth to a child(ren) while committed to the custody of the North Carolina Department of Correction. An **offender** will be selected for this program based on the potential benefits to the newborn child(ren) for post-delivery bonding. **Offender** Maternity Leave will be subject to the following restrictions:

- (a) An **offender** may take **Offender** Maternity Leave only in the home of one of the **offender's** legal relatives. The legal relative in question must also be the caretaker approved by the local Department of Social Services to assume responsibility for the child of the **offender** when the mother returns to prison.
- (b) **Offenders** who have been rejected or who have been denied postponement of sentencing on the grounds of pregnancy under provisions of G.S.15A-1353(a) are not eligible.
- (c) **Offender** Maternity Leave will begin no sooner than and immediately after discharge of mother and infant from the medical facility at which the birth has occurred.
- (d) **Offender** Maternity Leave may be awarded for as little as one day but under no circumstances will it exceed a total of sixty (60) days.

.2302 PROCEDURE

- (a) Requests to Participate.
 - (1) Application. Any pregnant **offender**, regardless of where incarcerated, who desires to participate in the **Offender** Maternity Leave Program must make a written application to participate to the Facility Head of the North Carolina Correctional Institution for Women. The request must be made at least six weeks prior to the anticipated date of birth to allow time for processing. The Facility Head of the North Carolina Correctional Institution for Women shall provide a form entitled "Application for **Offender** Maternity Leave" to every pregnant **offender** who, having been informed about the program, desires to apply.

- (2) Case Reviews. The Facility Head of the North Carolina Correctional Institution for Women will ensure that a documented case review is made for each **offender** who applies for participation in the **Offender** Maternity Leave Program.
- (3) Grounds for Denial. The Facility Head of the North Carolina Correctional Institution for Women may deny or withdraw approval for participation in the program on the basis of any of the following conditions:
 - (A) Sentence Length. A total sentence length upon commitment which is greater than five (5) years;
 - (B) Pending Criminal Charges. Pending criminal charges in any jurisdiction;
 - (C) Recidivism. Evidence of one or more previous commitments within the prison system of any jurisdiction;
 - (D) Violation of Probation. A current commitment as a result of probation violation(s);
 - (E) Institutional Record. An institutional record of two or more major offenses within the six months prior to anticipated date of delivery;
 - (F) Record of Violence. A record of violent or aggressive behavior, child abuse, or child neglect;
 - (G) Record of Drug Abuse. A record of serious drug usage, any drug trafficking or sales, or other serious substance abuse;
 - (H) Rejection of Sentence Postponement. Evidence that the **offender** has rejected postponement of service of sentence on the grounds of pregnancy under G.S. 15A1353(a);
 - (I) Denial of Sentence Postponement. Evidence that the **offender** has been considered for and denied postponement of service of sentence on the grounds of pregnancy under G.S. 15A-1353(a). Any **offender** who is pregnant at the time she begins serving her sentence shall be presumed to have been considered for and denied postponement of service of sentence in the absence of information from the court of record that she has not been considered for and denied postponement of service of sentence on grounds of pregnancy;
 - (J) Objection by the Sentencing Court. Evidence that officials of the sentencing court object to maternity leave for the **offender**;

- (K) Denial or Revocation of Certification by Social Services. Evidence that the local Department of Social Services refuses to certify the home of the caretaker for the mother and child;
 - (L) Psychiatric Recommendations. Negative psychiatric and psychological assessments and evaluations; and
 - (M) Threats to Public Safety and the General Welfare. Other specific conditions which threaten public safety or the health and general welfare of child and/or mother.
- (4) **Offender** Maternity Leave Program Plan. For any **offender** who qualifies on the basis of conditions specified above, the Facility Head of the North Carolina Correctional Institution for Women will prepare a "Maternity Leave Program Plan." This shall include, in the order given, the following completed forms and documents:
- (A) **Offender** Maternity Leave Checklist. This form documents that all eligibility requirements have been satisfied and that all documents of the plan are in order;
 - (B) **Offender** Maternity Leave Form. This form from the sentencing court establishes whether the **offender** did or did not reject postponement or have postponement of service of sentence denied under provisions of G.S. 15A-1353(a);
 - (C) Local Department of Social Services Home Certification for Newborn Children. This form documents that the proposed home is acceptable for the child in question;
 - (D) Relative Caretaker Agreement. This establishes that the adult relative(s), who will be responsible for the **offender** and child, agree(s) to accept this responsibility;
 - (E) Psychological Assessment;
 - (F) Emergency Termination Plan in DC-142 and in The Relative Caretaker Agreement (above);
 - (G) Local Law Enforcement Notification Form;
 - (H) Response from the Prosecuting District Attorney;
 - (I) Temporary Leave Form (DC-326);

- (J) Extension of Limits of Confinement Form (DC-142). This will be modified as appropriate in individual cases to accommodate
 - (K) offender maternity leave per G.S.148-4(7);
 - (L) Local Monitoring Plan;
 - (M) Offender Maternity Leave Agreement. This agreement establishes that the offender agrees to all specific conditions established for her own offender maternity leave;
 - (N) Medical Clearance;
 - (O) Institutional Classification Form (DC-121).
- (b) Approval. The Facility Head of the North Carolina Correctional Institution for Women shall recommend approval or disapproval of each Application for Offender Maternity Leave. The Director of Prisons or designee shall be the approving authority for the Offender Maternity Leave Program.
- (c) Monitoring.
- (1) The responsibility for monitoring offenders on maternity leave is assigned to the Facility Head of the North Carolina Correctional Institution for Women and local Community Correction officers.
 - (2) The Facility Head shall notify the Director of Community Corrections or designee whenever an offender is placed on offender maternity leave. The Community Corrections Director or designee shall ensure that the offender is monitored at home on a face-to-face basis during an unannounced visit at least once every week for the duration of the offender's maternity leave.
 - (3) Local Department of Social Services monitoring reports may also be used in determining if the offender on leave is fulfilling the terms of the Offender Maternity Leave Plan.
 - (4) Additionally, reports from the adult relative(s) who are signatories to the Relative Caretaker Agreement may be used to assist Department of Public Safety officials in determining whenever leave compliance is sufficiently changed to warrant leave termination.
- (d) Modifications. When changes in the terms of an Offender Maternity Leave Plan appears to be advisable or required, these changes shall be proposed, documented, and approved in the same manner required for the initial approval of the plan.

- (e) When changes in the terms of an Offender Maternity Leave Plan appear to be advisable or required, these changes shall be proposed, documented, and approved in the same manner required for initial approval of the plan.
- (f) Gain Time. Offenders on offender maternity leave shall not receive gain time for time spent away from the North Carolina Correctional Institution for Women.
- (g) Custody Level. An offender on offender maternity leave will be in Minimum Custody Level III for the duration of her leave. Upon termination of offender maternity leave, the custody level and privileges of the offender will be reviewed.

.2303 TERMINATION OF LEAVE

- (a) Emergency Termination. If rule violations or other emergency conditions occur, the Facility Head of the North Carolina Correctional Institution for Women may terminate Offender Maternity Leave prematurely.
- (b) Offender Maternity Leave may be terminated prematurely based upon any of the following:
 - (1) Use of alcohol, of drugs or of other illegal substances, or abuse of prescription medications;
 - (2) Association with known criminals;
 - (3) Acceptance of gainful employment;
 - (4) Incurrence of indebtedness without agency approval;
 - (5) Violation of federal, state or local laws;
 - (6) Travel, without approval, beyond the agreed limits in the Maternity Leave Plan, specifically the DC-142ML and Offender Maternity Leave Agreement Forms;
 - (7) Engaging in activities prohibited by specific leave conditions, Department of Public Safety policy, or laws imposed upon offenders or persons with restrictive citizenship; and
 - (8) Contact with the victims of the crimes for which the offender is serving time without specific authorization.
- (c) Disciplinary Action. Any offender who violates conditions specified in the Extension of Limits of Confinement Form or who fails to report to the North Carolina Correctional Institution for Women at the end of the leave period or fails to report to appropriate authorities in cases of emergencies shall be subject to disciplinary action for violation of offense number(s) A6, B12 and or any other applicable offense(s).

- (d) Routine Termination. Any offender awarded offender maternity leave must report to the Facility Head of the North Carolina Correctional Institution for Women by the date and time specified on the Temporary Leave Form included in her Offender Maternity Leave Program Plan.

.2304 DESIGN AND EVALUATION

- (a) The Facility Head at the North Carolina Correctional Institution for Women shall be responsible for the design and evaluation of the training and treatment components of the Offender Maternity Leave Program. The Facility Head shall prepare an annual evaluation report for the Director of Prisons which shall be due one month after the end of the calendar year.
- (b) This report shall include, but need not be limited to, the following statistical information:
- (1) Number of pregnant offenders admitted to the North Carolina Department of Public Safety Prisons during the year by length of sentence, by month and day of pregnancy upon commission of the crime for which sentenced, by month and day of pregnancy when arrested, by month and day of pregnancy upon sentencing and commitment, by county and by area of origin;
 - (2) Number and percentage of pregnant offenders admitted during the year who applied for maternity leave;
 - (3) Number of offenders, of those who applied for offender maternity leave, who were awarded offender maternity leave by county and area of origin;
 - (4) Of those offenders who were denied offender maternity leave, the number and percentage who were ineligible on the basis of each of the Grounds for Denial listed herein or for other reasons;
 - (5) Number and percentage of offenders whose offender maternity leaves were terminated prematurely and the reasons for these terminations;



04/08/2019

Director of Prisons
f.2300_04_08_19.doc

Date